UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ULTRAFLO CORPORATION,	§	
	§	
Plaintiff/Counter-Defendant	§	
	§	
V.	§	CIVIL ACTION NO. H- 09-0782
	§	
PELICAN TANK PARTS, INC. and	§	
THOMAS JOSEPH MUELLER	§	
	§	
Defendants/Counterclaimants	§	

OPPOSED MOTION TO DISMISS DEFENDANT PELICAN TANK PARTS, INC.

Plaintiff Ultraflo Corporation ("Ultraflo") files this Opposed Motion to Dismiss Defendant Pelican Tank Parts, Inc. ("PTP") and, in support thereof, would respectfully show the Court as follows:

Ultraflo sued Defendants PTP and Pelican Worldwide, Inc. After conducting discovery, Ultraflo determined PTP is not a proper party to this lawsuit and should, therefore, be dismissed. Ultraflo seeks only to proceed with its claims in this lawsuit against Pelican Worldwide, Inc. Ultraflo sought to dismiss PTP by stipulation, but PTP has not agreed to such stipulation. Because PTP is not a proper party to this lawsuit, Ultraflo requests this Court dismiss all claims and causes of action against PTP without prejudice.

PRAYER

For these reasons, Ultraflo respectfully requests this Court dismiss Ultraflo's claims and causes of action against Defendant Pelican Tank Parts, Inc. without prejudice.

1852533.1

Respectfully submitted,

LOOPER REED & MCGRAW, P.C.

By: /s/ Gabe T. Vick
James M. McGraw
State Bar No. 13653200
Federal I.D. No. 4776
1300 Post Oak Boulevard, Suite 2000
Houston, Texas 77056
(713) 986-7000
(713) 986-7100 (Fax)
jmcgraw@lrmlaw.com

ATTORNEY-IN-CHARGE FOR ULTRAFLO CORPORATION

Of Counsel for Plaintiff
LOOPER REED & MCGRAW, P.C.
Travis Crabtree
State Bar No. 24015192
Federal I.D. No. 28015
tcrabtree@lrmlaw.com
Gabe T. Vick
State Bar No. 24063046
Federal I.D. No. 956281
gvick@lrmlaw.com

1852533.1

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon the following attorney of record via electronic service on this the 19th day of December, 2013:

John K. Buche BUCHE & ASSOCIATES, P.C. 2990 Richmond Avenue, Suite 400 Houston, Texas 77098 (713) 583-9644 fax

> /s/ Gabe T. Vick Gabe T. Vick

CERTIFICATE OF CONFERENCE

The undersigned counsel for Plaintiff Ultraflo Corporation hereby certifies that he has conferred with counsel for Defendant Pelican Tank Parts, Inc. regarding the foregoing Motion to Dismiss Defendant Pelican Tank Parts, Inc. and Pelican Tank Parts, Inc. is opposed to this motion.

/s/ Gabe T. Vick Gabe T. Vick

1852533.1